

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CASSIUS CLAY, SR.,)	
)	
Plaintiff,)	
)	Civil Action No. 05-125E
v.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
TRACEY REEVES, et al.,)	
)	
Defendants.)	

MOTION TO DISMISS

AND NOW, come the defendants, Tracey Reeves, Angie Marhefka, Jack Loughry, Burks and D.J. Wakefield, by their attorneys, Thomas W. Corbett Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully submit the following:

1. Cassius Clay is a pro-se prisoner bringing this complaint under 42 U.S.C. § 1983.
2. The PLRA bars this complaint since the prisoner had no physical injury.
3. Plaintiff fails to state a claim upon which relief can be granted¹.

¹ Plaintiff failed to serve certain defendants.

CONCLUSION

For the foregoing reasons, it is respectfully requested this motion be granted.

Respectfully submitted,

**THOMAS W. CORBETT JR.,
Attorney General**

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General
PA I.D. #86219

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

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6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: December 20, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2005, I electronically filed the foregoing ***Motion to Dismiss*** with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

Cassis M. Clay, Sr., DQ-5954
SCI-Forest
P.O. Box 945
Marienville, PA 16239-0945

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
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Date: December 20, 2005